

April 1, 1980

LB 346

As far as 346 is concerned, I have no objection to it, but I do think we should bring this back for a correction to 621 which you will recall we passed several days ago and has been signed by the Governor. Thank you.

SPEAKER MARVEL: Senator DeCamp, do you wish to be recognized?

SENATOR DeCAMP: I just want to say I support the amendment. You may remember we have got 346 and it is an important bill on another subject and I think if we don't use this amendment we will have the UCC thoroughly loused up in another area so I urge using this to correct it at this time.

SPEAKER MARVEL: Senator Reutzel. The question has been called for. Do I see five hands? Okay, all those in favor of ceasing debate vote aye. Opposed vote no. Record the vote.

CLERK: 27 ayes, 3 nays to cease debate, Mr. President.

SPEAKER MARVEL: Okay, Senator Johnson, do you wish to close on your motion?

SENATOR JOHNSON: Yes, I am going to close for just a couple of minutes, Mr. Speaker. I can appreciate Senator Murphy's confusion. This is not an easy issue to go through. Senator Murphy, for example, indicated that on page 1 of the bill we were requiring certain kinds of liens to be recorded with the Public Service Commission and yet on page 9 of the bill the same kind of liens were going to be recorded with the Secretary of State. I said, well, I suspect if I open up my Uniform Commercial Code I can find on pages 1 and 2 the identical language in present law and sure enough there it is. The present law says the proper place to file in order to perfect a security interest is as follows: A. When the collateral is unharvested crops then in the office of the County Clerk in the county where the land on which the crops are growing or ought to be planted and growing is located and in the office of the Public Service Commission where a duplicate copy shall be filed and indexed as a crop lien. So, I can tell you with some confidence that without question when this amendment carries we will be returning our places of filing to present law. Then when 346 is ultimately effective September of 1981 the language on page 9 becomes effective and we then have new places of filing. But until that time the old places for filing are in effect and the problems that were created by LB 640 become nonexistent and everyone lives happily ever after.